

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2799 OF 2024
(Arising out of S.L.P.(Criminal) No.3817 of 2024)

PUSHPA MONDAL & ANR. . . . APPELLANT(S)

VS.

STATE OF WEST BENGAL . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

This case shows the shocking conduct on the part of the Investigating Officer. The order dated 10th May, 2024 reads thus:

"The learned counsel appearing for the respondent-State pointed out that on 11th April, 2024, a notice was sent by email to both the petitioners and notwithstanding service of notice under Section 41(A) of the Code of Criminal Procedure, 1973, the petitioners have not reported for investigation.

We direct the Investigating Officer to file an affidavit placing on record the proof of service of notice dated 11th April, 2024, a copy of which is already placed on record. The said affidavit shall be filed within a period of four weeks from today.

The learned counsel appearing for the petitioners, on instructions, states that the said notice has been served today at 12:05 p.m. He states that the notice was received by the petitioners after this Petition was passed over in the morning.

To enable the learned counsel appearing for the respondent-State to take instructions about service of notice dated 11th April, 2024, list the Petition on 8th July, 2024.

The interim relief granted earlier by this Court to continue till further order."

Today, the learned counsel appearing for the respondent-State accepts that the notice dated 11th April, 2024 was never served to the appellants till 10th May, 2024 and that the notice was served on 10th May, 2024 when this Court was hearing this case. This conduct of the respondent-State shows that, in true sense, the State does not require the appellant for investigation. Therefore, the interim order dated 20th March, 2024 is made absolute on the same terms and conditions.

The appeal is accordingly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
July 08, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3817/2024

(Arising out of impugned final judgment and order dated 06-02-2024
in CRM(A) No. 5500/2023 passed by the High Court at Calcutta)

PUSHPA MONDAL & ANR.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(FOR ADMISSION)

Date : 08-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Mr. Dibyadyuti Banerjee, Adv.

Ms. Sumedha Halder, Adv.

Mr. Abhijit Sengupta, AOR

Mr. Rohit Jaiswal, Adv.

Mr. Akhilesh Kumar Tiwari, Adv.

Mr. Navneet Singh, Adv.

For Respondent(s)

Ms. Anju Thomas, Adv.

Ms. Astha Sharma, AOR

Ms. Pratibha Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, also stands disposed
of.(ANITA MALHOTRA)
AR-CUM-PS(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)